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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,719	11/02/2001	Nigel C. Paver	INTL-0650-US (P12391)	3525

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EXAMINER

PAN, DANIEL H

ART UNIT

PAPER NUMBER

2183

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,719

Applicant(s)

PAVER, NIGEL C.

Examiner

Daniel Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,7,9,12,13,15,16,17,19,20,22,23,24,26,27,28,29,31,33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1,3,6,7,9,12,13,15,16,17,19,20,22,23,24,26,27,28,29,31,33 .

1. Claims 1,3,6,7,9,12,13,15,16,17,19,20,22,23,24,26,27,28,29,31,33 remain for examination. Claims 34-43 are newly presented. Claims 2,4,5,8,10,11,14,18,21,25,30, 32 have been canceled. Claims 23,24 are read as dependent from claim 20.

Corrections are suggested in the next response.

2. This action includes the response to applicant's remarks regarding the remaining claims.

3. This action also included a new ground of rejection in response to the newly added claims 34-40.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,3,6,7,9,12,13,15,16,17,19,20,22,23,24,26,27,28,29 are rejected under 35 U.S.C. 102(b) as being anticipated by Buchholz (4,740,893).

6. As to the amended claims 1,13,19, Buchholz did not teach that his vector register and the indicator [VCH] must not be in a register. In fact, no restriction on the structural relation between the vector register and the VCH indicator has been

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recited. Furthermore, applicant only claimed "indicator of the register", no physical structure of the indicator with the register has been reflected into the claim. The indicator could be a functional part of the register, although it might not physically be part of the register. Therefore, the status register which included the VCH indicator bit is the functional part of the vector register. On the other hand, if the amended feature of the indicator bit is the physical part of the register (which is not being reflected into the claim) to indicate the update of the register, Buchholz. also taught an indicator (VCH bit) of a register [VSR] to indicate the change of content in the register, For example, whenever the content of the VSR register is changed (the change in VCH field in the status register by any cause, see also the VIU field), the VCH bit is set to reflect the change. No structure or format of register has been reflected into the claim, therefore, the status register is the register, and the status register did have the VCH bit to indicate it's content change in the field in the register (see multiple bit-field in col.6, lines 6-36).

7. Claims 31,33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchholz.

8. The rejections are maintained and incorporated by reference the last Office action on 12/01/04.

9. In the remarks, applicant argued Buchholz updated indicator bits of a separate register.

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10. As to a) above, See discussions in paragraph # 2 above.

11. The following is a new ground of rejections in response to newly added claims :

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 34,36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchholz et al. (4,740,893) in view of Russel (6,751,737) .

13. As to claim 34, 37, 41, Buchholz did not specifically show the context switch as claimed . However, Russel taught a clearing of an indicator [MVM context register 128] upon occurrence of context switch (see the data in MVM context register 128 indicating whether the execution environment was initialized upon the election of first context in col.7, lines 39-52, see also the background of context switch in col.1, lines 10-15,50-61, see also MVM context switching in col.2, lines 46-54). It would have been obvious to one of ordinary skill in the art to use Russel in Buchholz for including the clearing of the indicator upon the context switch as claimed because the use of Russell could provide Buchholz the ability to adapt to different system conditions at a predefined processing format, and therefore, increasing the adaptability of Buchholz, and because Buchholz did disclose the restoring of system states as indicated by the

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status register fields (see col.6, lines 7-53) , and therefore, provide a suggestion of the need of a context switch in order to enhance the adaptability in the system.

14. As to calaims 36, 38, Buchholz's status register was a main register.

15. As to claim 40, Buchholz also included storage of instructions (see processor storage in fig.1, col.2, lines 37-43).

16. Claims 35, 42,43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchholz et al. (4,740,893) in view of Dynarski et al. (6,628,671).

17. As to claims 35, 42,43, limitations of parent claims 1, and 19 were already discussed in previous action on 12./01/04, therefore, it will not be repeated herein.

Buchholz did not specifically show the power consumption of battery operation as claimed. However, Dynarski disclosed a system including a battery operated system (see the context switching in abstract, see also the laptop computer in Col.1, lines 5-37). It would have been obvious to one of ordinary skill in the art to use Dynarski in Buchholz for reducing the power consumption as claimed because the use of Dynarski could provide the control ability of Buchholz to enable the system based on the activities of system , and therefore, reducing the power consumption on idle processing cycle, and because Dynarski also taught his mobile user system was used for a context switching operation (see Abstract, lines 8-20) , which was a suggestion of the applicability of the battery operated system , or the portable device into a context

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switching system, such as the one taught by Buchholz, and in doing so, provided a motivation.

Applicant's amendment (to claims 34-40) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712, or the new number 571 272 4162.

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The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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